

Docket No. 0008-FA-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Hunt et al.

Group Art No. 1762 (parent)

Application No. 09/748,714

Filed: 21 December 2000

For: CHEMICAL VAPOR DEPOSITION METHODS FOR MAKING
POWDERS AND COATINGS, AND COATINGS MADE
USING THESE METHODS

RENEWED Petition Pursuant to 37 C.F.R. 1.47
Where Co-Inventor Refuses to Sign Oath or Declaration

FAX RECEIVED

Assistant Secretary and Commissioner of Patents and Trademarks
Washington D.C. 20231

AUG 16 2001

PETITIONS OFFICE

Petition is hereby made to include Sowa Laye (who goes by the title of Nii which we understand translates as "Prince") as an inventor. Mr. Laye is a former employee of MicroCoating Technologies, Inc. (The name of the company having been changed from CCVD Inc.) The ongoing conduct of Sowa Laye demonstrates a refusal to sign the Declaration.

The Commissioner [is authorized to charge] has charged deposit account \$130 (or current fee) pursuant to 37 C.F.R. 1.17(i) to deposit account 501231. A duplicate copy of this petition is enclosed.

As background, the parent of the instant application was filed 29 December 1999 as U.S. Application 09/474,491. After extensive efforts to procure Sowa Laye's signature, a 1.47 petition was filed to include him as an inventor who refused to sign the Declaration. A copy of this petition [is enclosed] along with copies of the supporting documentation was previously submitted.

The 1.47 petition was never acted upon by the USPTO in the parent application, and on 22 September 2000, the parent application was converted to a Provisional application, no. 60/234,575 for filing term purposes.

It was decided to re-file the application with additional subject matter as a PCT application designating the U.S. and other countries. Such a PCT application was indeed filed 21 December 2000 as PCT/US00/35417. Prior to filing the PCT application, we

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enlisted Subramaniam Shanmugham (Subu) of MicroCoating Technologies to solicit Sowa Laye's cooperation. Subu solicited Sowa Laye's cooperation in November 2000 prior to Subu's leaving on vacation in December 2000; however, although Sowa Laye had promised Subu cooperation, the signed PCT papers were not returned in December 2000.

While hoping for Sowa Laye's cooperation in the PCT filing, the instant U.S. application was filed on the same date (21 December 2000) as the PCT application as a precautionary measure. The instant U.S. application and the PCT application, each filed 21 December 2000, are identical in content. The U.S. application was filed without a filing fee, and the intent was to abandon the U.S. application should Sowa Laye's cooperation be obtained in the PCT filing.

Such cooperation was not forthcoming from Sowa Laye; accordingly, the fees in the U.S. application are being paid contemporaneously with submission of this petition and a filing Declaration is being submitted by all other co-inventors.

Packages containing the PCT application and papers for Sowa Laye's signature were sent to him in November 2000, January 2001, and February 2001. The last set of papers was sent on 19 February 2001 by Express Mail from Al Muratori, Reg. No. 41561, of this office with a stamped return Express Mail envelope enclosed. As of 4 April 2001, the return Express Mail package had not been received by this office and the U.S. Postal Service tracking system determined that it had not been mailed (Per a telephone call by Al Muratori to the Express Mail service's 800 number). It was at this time that it was determined to go forward with the instant U.S. national utility filing.

[An enclosed] Previously submitted was a copy of 5 pages of e-mail correspondence between Al Muratori, Subu Shanmugham, and Sowa Laye evidences Sowa's refusal to sign. Although Sowa Laye's refusal to sign is not explicit, his continuing flow of excuses (such as the package was rain-damaged) not to sign along with his continuing conduct beginning from his declining to sign the papers in the parent application in early 2000 constitutes a clear intention not to sign.

On 5 April 2000 a further copy of the PCT application and papers were sent to Sowa Laye along with a copy of the substantively identical U.S. application and papers. Sowa Laye was provided a postage paid return envelope containing sufficient postage to

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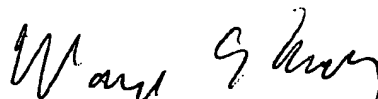
return the papers to us. He was advised in a letter, copy enclosed, that if the papers were not returned by 19 April 2001, we would deem this a refusal to participate in either application at this time. The signed papers did not reach us by 19 April 2001 and have not yet reached us.

The above discussion of Sowa Laye's conduct along with the supporting documents is believed to be sufficient to document his refusal in support of this 1.47 petition.

The last known address of Nii Sowa Laye is 850 West 41st Street, Los Angeles CA 90037.

Favorable action on this petition is courteously requested.

16 August, 2001



Wayne E. Nacker

Registration No. 29,561

Customer No. 24948

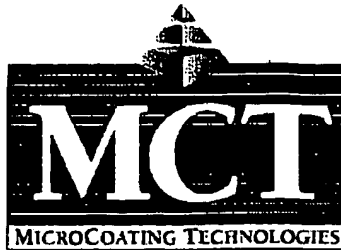
Phone: 678 287 3909 Fax: 678 287 3997 or 9

3 308 6916

*** RX REPORT ***

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PETITIONS OFFICE

5315 Peachtree Industrial Blvd. * Chamblee, GA 30341 * fax 678-287-3997

FAX TRANSMISSION

Date: August 16, 2001

Number of pages (including cover): 4

To: Karen Creasy

Voice Number: (703) 305-8859

Company: Special Program Law Office,
USPTO

Fax Number: (703) 308-6916

From: Al Muratori

Voice Number: 678-287-2434

Subject: Renewed Petition for 09/748,714

Dear Ms. Creasy:

Please find attached a renewed Petition Pursuant to 37 C.F.R. 1.47 for the above-identified patent application. Should any further action be necessary, it is requested that you call me at the number above. Thank you very much for your help in this matter.

Sincerely,

Alfred H. Muratori
Reg. No. 41,561